

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

FENIX DIAMONDS LLC,

Defendant.

Civil Action No. 1:20-cv-00200-JSR

DECLARATION OF LAURA LYDIGSEN

Pursuant to 28 U.S.C. § 1746, I, Laura Lydigsen, declare as follows:

1. I am an attorney at Crowell & Moring LLP and represent Defendant Fenix Diamonds LLC (“Fenix”) in the above-captioned matter. I am admitted *pro hac vice* to practice in this Court, and I am familiar with the facts and circumstances set out herein. Pursuant to this Court’s order dated March 8, 2024 allowing Fenix to submit reply in support of the reasonableness of its fees, expenses, and request for post and prejudgment interest as provided in its supplemental submission dated February 28, 2024, I provide this declaration in support of that supplemental filing. The following facts are true based upon my personal knowledge or upon my investigation on behalf of Fenix.

2. Annexed hereto as **Exhibit U** is a true and correct copy of an email chain between Matthew Meyer and Mark Remus, dated March 19-March 20, 2024.

3. Annexed hereto as **Exhibit V** is a true and correct copy of a chart compiling information regarding the parties’ expert reports in the above-captioned matter, including the authors, general subject matter, and length.

4. Annexed hereto as **Exhibit W** is a true and correct copy of excerpts from the

confidential Expert Report of Michael Capano, Ph.D. Regarding Infringement of U.S. Patent No. 6,858,078 dated September 18, 2020.

5. Annexed hereto as **Exhibit X** is a true and correct copy of an article titled “Nearly \$1,000 an hour is rate for second-year associates at these Big Law firms” dated April 3, 2023 found at <https://www.abajournal.com/authors/4/>.

6. Annexed hereto as **Exhibit Y** is a true and correct copy of a compilation of LinkedIn profiles for Alissa Askuvich, Marie Swanson and Meredith Greisman.

7. Annexed hereto as **Exhibit Z** is a true and correct copy of a Joint Stipulation Regarding Amount of Additional Attorneys’ Fees And Expenses Awarded to Defendants entered in *In re: Method for Processing Ethanol Byproducts & Related Subsystems ('858) Patent Litigation*, No. 10-ml-02181 (S.D. Ind.), which was entered on August 8, 2022 as Dkt. 1960.

8. Annexed hereto as **Exhibit AA** is a true and correct copy of an Order Granting in Part and Denying in Part Amazon’s Motion for Further Supplemental Fees entered in *In re PersonalWeb Techs., LLC et al.*, No. 18-md-02834 (N.D. Cal), which was entered on December 15, 2023.

9. Annexed hereto as **Exhibit BB** is a true and correct copy of the Non-Confidential Opening Brief of Defendant-Cross-Appellant Fenix Diamonds LLC, in Appeal Nos. 2021-49, -2315 (Fed. Cir.), dated January 24, 2023.

10. Annexed hereto as **Exhibit CC** is a true and correct copy of excerpts from the deposition of Erin Herrera, dated August 4, 2020.

11. I hereby certify and affirm that all of the facts herein are true based upon my personal knowledge, or are believed to be true to the best of my knowledge, and certify the truth of these statements under penalty of perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 20, 2024

/s/Laura Lydigsen